

ENTERED

December 27, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISIONLANDMARK AMERICAN INSURANCE §
COMPANY, §

Plaintiff, §

VS. §

CIVIL ACTION NO. 2:19-CV-00006

PORT ROYAL BY THE SEA §
CONDOMINIUM OWNERS §
ASSOCIATION, INC., §

Defendant. §

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION


Pending before the Court are Port Royal by the Sea Condominium Owners Association, Inc.'s (Port Royal's) Motion for Realignment of the Parties and/or Setting the Order of Proof at Trial (D.E. 278) and Landmark American Insurance Company's (Landmark's) Motion for Reconsideration on Allocation (D.E. 279). On October 17, 2022, United States Magistrate Judge Julie K. Hampton issued a Memorandum and Recommendation (D.E. 291), recommending that both motions be denied.

Port Royal timely filed its objections to the denial of its motion (D.E. 296) on October 31, 2022. Landmark did not object, but filed its response (D.E. 301) to Port Royal's objections. For all of the reasons detailed by Landmark, the Court finds that Port Royal has not met the standard of review for challenging the Magistrate Judge's exercise of discretion on this nondispositive matter. Its objections are insufficiently specific, were

waived for failure to brief prior to the M&R, or simply rehash prior arguments. None of the objections meet the test required to show that the M&R is clearly erroneous or contrary to law. Fed. R. Civ. P. 72.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Port Royal's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Port Royal's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Landmark's "Motion for Reconsideration on Allocation" (D.E. 279) is **DENIED** and Port Royal's "Motion for Realignment of the Parties and/or Setting the Order of Proof at Trial" (D.E. 278) is **DENIED**.

ORDERED on December 27, 2022.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE